The Honorable Mary Alice Theiler

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. LINNETTE TORRES and RYAN ERIC FLETCHER, Defendants.	No. MJ19-00485MAT [PROPOSED] PROTECTIVE ORDER

This matter, having come to the Court's attention on the Stipulated Motion for a Protective Order Regarding Certain Discovery Items submitted by the United States of America, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1.   When the government provides discovery to the defense team,[1] it will designate as "protected" any material that it believes may tend to identify the CS, including but not limited to recordings of conversations between the CS and anyone else.

2.   The defense team will not make copies of any kind of any part of the designated items without prior written permission of the government, except that the

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[1] As used herein, the "defense team" includes counsels of record, their employees (such as any associate counsel, paralegals, legal assistants, and interns), and their contractors (such as investigators and experts).

1 materials may be downloaded from USAfx and placed on a server or other appropriate

2 storage medium under the secure control of the defense team.

3   3. The defense teams will not share any of the material designated as

4 protected with anyone except for the defendants and others who are part of the same

5 defense team without prior written permission of the government. In this context, "share"

6 includes show, provide copies of, or describe—whether in writing or orally—in a manner

7 that will tend to reveal the identity of the CS. The defense team may discuss the general

8 nature of the protected material with others, provided that that discussion does not tend to

9 reveal the identity of the CS, even to other defense teams.

10   4. The defense team may review all of the discovery, including protected

11 material, with the defendant it represents. The defense team may not, however, leave any

12 protected material in the possession of the defendant or permit it to be copied.

13   5. If the defense team wishes to file any protected material with the Court, or

14 to make reference to its contents, including reference to the identity of the CS, the filing

15 must be sealed, absent prior written permission of the government to file an unsealed

16 version.

17   6. The provisions of the protective order shall apply to all members of the

18 defense team, including but not limited to other attorneys, contract attorneys,

19 investigators, legal assistants, interns, experts, and paralegals. It is the responsibility of

20 defense counsel to ensure that all members of the defense team understand the

21 restrictions of the protective order and understand that they are required to abide by those
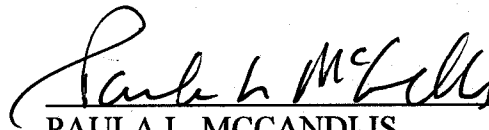
22 restrictions.

23   7. In the event that current defense counsel is replaced by new defense

24 counsel, defense counsel shall not turn over any discovery to new counsel without prior

25 written permission of the government. The government will only grant permission when

26 it is satisfied that new counsel has reviewed the terms of the Protective Order and has

27 acknowledged that he/she is bound by them.

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UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WA 98101
(206) 553-7970

8. The provisions of this Order shall not terminate at the conclusion of this prosecution.

9. Any violation of any term or condition of this Order by a defendant, his or her attorneys of record, any member of the defense teams, or any attorney for the United States Attorney's Office for the Western District of Washington, may result in that person or persons being held in contempt of court, and/or may subject that person or persons to monetary or other sanctions as deemed appropriate by this Court. If a defendant violates any term or condition of this Order, the United States reserves its right to seek a sentencing enhancement for obstruction of justice, or to file any criminal charges relating to the defendant's violation.

10. This order can only be modified by written agreement of the Government or by order of this Court.

DATED this 30ᵗʰ day of ___October___, 2019.

PAULA L. MCCANDLIS
United States Magistrate Judge

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UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WA 98101
(206) 553-7970